

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Halladay, et al. Docket No.: IR-2970(AA)
Serial No.: 09/997,443 File Date: 11/30/2001
Examiner: Ramsey E. Zacharia Art Unit: 1773
For: "Room-Temperature Curable Fluoropolymer Coating"

August 17, 2004

Assistant Commissioner for Patents
Mail Stop Amendment
PO Box 1450
Alexandria, VA 22313-1450

REPLY per 37 CFR 1.115

Sir:

This Reply is in response to the Final Office Action dated 5-12-2004.

The Claims are presented in allowable form.

Applicants note acknowledgement by the Office that Hanada do not suggest the claimed subject matter of claim 23, in that Hanada uses the reaction product of silane coupling agents with isocyanate compounds and does not suggest a different approach wherein a graft reaction between a fluoroelastomer and a primary amine grafting agent in one part, is combined with a second part curing agent that comprises an isocyanate (or bearing) group. Any suggestion to modify the approach taken in Hanada would be based on hindsight reconstruction from Applicants' own invention. Claim 23 is deemed allowable therefore.

Rejection under 35 UC 103(a) was maintained against claims 8 in error. With respect to claim 8, Hanada, et al in teaching polysiloxane or fluorine compounds reacted with isocyanate compounds, to use the iosocyanate curing of fluoroplastic do not provide, teach or suggest a grafting agent that contains an ethylenic unsaturated group and an active hydrogen group.

Applicants submit that claim 8 is patentable in view of Hanada in that the Office has not met the requirements to substantiate prima facie obviousness- namely, that reason (3) fails, the prior art does not teach or suggest this grafting agent limitation. Claim 8 recites an ethylenic unsaturated grafting agent and an active hydrogen group. nothing in Hanada et al whatsoever teach or suggest such grafting agents. The teachings of the prior art must present the skilled person with the subject matter from which a proposed motivated modification could take place. The suggestion or suggestive art must include what Applicants have claimed. Such teaching being absent in Hanada can not be rendered present by merely alleging one of ordinary skill in the art would seek to modify when to do so requires bringing in unknown subject matter, extrinsic to the disclosure. Mere allegations to do what applicants have done where the Office has not provided such prior art is not recognized in the law as a gap filler. Applicants respectfully submit that claim 8 is in condition for allowance.

The claims are believed to be in condition for allowance, and such is earnestly solicited.

Respectfully submitted,

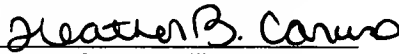


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